

Approved: _____ Mayor

Veto: _____

Override: _____

RESOLUTION NO. Z-30-04

WHEREAS, COUNTRY CLUB SHOPPING CENTER, INC. & T-MOBIL had applied to Community Zoning Appeals Board 5 for the following:

SPECIAL EXCEPTION to permit a wireless supported service facility including antenna support structure.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(18) (Alternative Site Development Option for Telecommunications Facilities) or under §33-311(A)(3) (Special Exceptions, Unusual and New Uses).

Plans are on file and may be examined in the Zoning Department entitled "T-mobile Country Club Shopping Center," as prepared by W-T Communication Design Group, L. L. C., dated 6-2-03 and consisting of 4 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A" of COUNTRY CLUB SQUARE, Plat book 126, Page 73.

LOCATION: 7600 N.W. 186 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of Community Zoning Appeals Board 5 was advertised and held, as required by law, and all interested parties concerned in the matter were given an opportunity to be heard, and upon due and proper consideration having been given to the matter it was the opinion of Community Zoning Appeals Board 5 that the requested special exception would not be compatible with the area and its development and would not conform with the requirements and intent of the Zoning Procedure Ordinance, and that the requested special exception would have an adverse impact upon the public interest and should be denied and said application was denied by Resolution No. CZAB5-6-04, and

WHEREAS, OMNIPOINT HOLDINGS, INC., D/B/A T-MOBIL appealed the decision of Community Zoning Appeals Board 5 to the United States District Court Southern District of Florida (CIV-04-21441) for a Writ of Certiorari to quash Resolution No.

CZAB5-6-04, and this appeal was filed during the County Manager's appeal to the Board of County Commissioners, and

WHEREAS, pursuant to a Circuit Court Mandate, the Court made a ruling to deny the appellant's request for a Writ of Certiorari, and

WHEREAS, **GEORGE M. BURGESS, THE COUNTY MANAGER OF MIAMI-DADE COUNTY** appealed the decision of Community Zoning Appeals Board 5 to the Board of County Commissioners for the following:

SPECIAL EXCEPTION to permit a wireless supported service facility including antenna support structure.

Upon a demonstration that the applicable standards have been satisfied, approval of the request may be considered under §33-311(A)(18) (Alternative Site Development Option for Telecommunications Facilities) or under §33-311(A)(3) (Special Exceptions, Unusual and New Uses).

Plans are on file and may be examined in the Zoning Department entitled "T-mobile Country Club Shopping Center," as prepared by W-T Communication Design Group, L. L. C., dated 6-2-03 and consisting of 4 pages. Plans may be modified at public hearing.

SUBJECT PROPERTY: Tract "A" of COUNTRY CLUB SQUARE, Plat book 126, Page 73.

LOCATION: 7600 N.W. 186 Street, Miami-Dade County, Florida, and

WHEREAS, a public hearing of the Board of County Commissioners was advertised and held, as required by the Zoning Procedure Ordinance, and all interested parties concerned in the matter were given an opportunity to be heard, at which time the appellant requested permission to withdraw the appeal, and

WHEREAS, after reviewing the record and decision of Community Zoning Appeals Board 5 and after having given an opportunity for interested parties to be heard, it is the opinion of this Board that the request to withdraw the appeal should be granted, and to sustain the decision of Community Zoning Appeals Board 5, and

WHEREAS, a motion to grant the withdrawal of the appeal and to sustain the decision of Community Zoning Appeals Board 5 was offered by Commissioner Natacha

Seijas, seconded by Commissioner Katy Sorenson, and upon a poll of the members present the vote was as follows:

Bruno A. Barreiro	aye	Dennis C. Moss	aye
Jose "Pepe" Diaz	aye	Dorrian D. Rolle	aye
Betty T. Ferguson	absent	Natacha Seijas	aye
Sally A. Heyman	aye	Katy Sorenson	aye
Joe A. Martinez	aye	Rebeca Sosa	aye
Jimmy L. Morales	absent	Javier D. Souto	aye

Chairperson Barbara M. Carey-Shuler aye

NOW THEREFORE BE IT RESOLVED by the Board of County Commissioners, Miami-Dade County, Florida, that the request to withdraw the appeal be and the same is hereby withdrawn without prejudice.

BE IT FURTHER RESOLVED that Resolution No. CZAB5-6-04 shall remain in full force and effect.

The Director is hereby authorized to make the necessary notations upon the records of the Miami-Dade County Department of Planning and Zoning.

THIS RESOLUTION HAS BEEN DULY PASSED AND ADOPTED this 30th day of September, 2004, and shall become effective ten (10) days after the date of its adoption unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

No. 04-4-CZ5-1
ej

HARVEY RUVIN, Clerk
Board of County Commissioners
Miami-Dade County, Florida

By KAY SULLIVAN
Deputy Clerk

THIS RESOLUTION WAS TRANSMITTED TO THE CLERK OF THE BOARD OF COUNTY COMMISSIONERS ON THE 16TH DAY OF DECEMBER, 2004.

STATE OF FLORIDA

COUNTY OF MIAMI-DADE

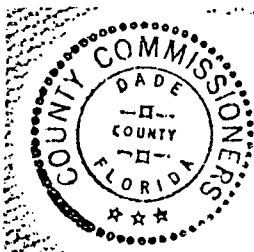
I, Earl Jones, as Deputy Clerk for the Miami-Dade County Department of Planning and Zoning as designated by the Director of the Miami-Dade County Department of Planning and Zoning and Ex-Officio Secretary of the Board of County Commissioners of said County, DO HEREBY CERTIFY that the above and foregoing is a true and correct copy of Resolution No. Z-30-04 adopted by said Board of County Commissioners at its meeting held on the 30th day of September, 2004.

IN WITNESS WHEREOF, I have hereunto set my hand and official seal on this the 16th day of December, 2004.



Earl Jones, Deputy Clerk (3230)
Miami-Dade County Department of Planning and Zoning

SEAL





Department of Planning and Zoning

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Miami, Florida 33128-1902
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miamidade.gov

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Employee Relations
Empowerment Trust
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Historic Preservation
Homeless Trust
Housing Agency
Housing Finance Authority
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Metro-Miami Action Plan
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Park and Recreation
Planning and Zoning
Police
Procurement Management
Property Appraiser
Public Library System
Public Works
Safe Neighborhood Parks
Seaport
Solid Waste Management
Strategic Business Management
Team Metro
Transit
Task Force on Urban Economic Revitalization
Vizcaya Museum And Gardens
Water & Sewer

December 16, 2004

Country Club Shopping Center, Inc. & T-Mobil
c/o Deborah Martohue, P.A.
5959 Central Avenue, Suite 104
St. Petersburg, FL 33710

Re: Hearing No. 04-4-CZ5-1
Location: 7600 N.W. 186 Street,
Miami-Dade County, Florida

Dear Applicant:

Enclosed herewith is Resolution No. Z-30-04, adopted by the Board of County Commissioners, which granted your request for the withdrawal of the appeal without prejudice, on the above-described property.

Sincerely,

Earl Jones
Deputy Clerk

Enclosure